

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VICTORIA'S SECRET STORES	§	
BRAND MANAGEMENT, INC.	§	
	§	
v.	§	Case No. 4:10cv158
	§	(Judge Schneider/Judge Mazzant)
VS SECRETS OF ROMANCE, LLC,	§	
SAMIR ABED-RABBO, and DOES 1-10	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 18, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default Judgment Against Defendant VS Secrets of Romance, LLC (Dkt. #21) should be GRANTED

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Plaintiff's Motion for Default Judgment Against Defendant VS Secrets of Romance, LLC (Dkt. #21) is GRANTED.

It is further **ORDERED** that:

1. Defendant VS Secrets of Romance, LLC is permanently enjoined from using Plaintiff's VICTORIA'S SECRET, VS and Secret Garden Marks, and any other mark confusingly similar to

Victoria's Secret's Marks or that is likely to dilute the distinctive quality thereof, in the United States and worldwide;

2. All labels, signs, prints, packages, wrappers, receptacles, advertisements, products, and other materials in the United States and worldwide bearing Plaintiff's VICTORIA'S SECRET, VS and Secret Garden Marks, and any confusingly similar marks or names, or any other mark or name likely to dilute the distinctive quality thereof, and all plates, molds, matrices, and other means of making the same, shall be destroyed within thirty (30) days after the entry of this Order; and

3. Romance shall file with the Court and serve on Victoria's Secret, within thirty (30) days after the entry of this Order, a report in writing and under oath setting forth in detail the manner and form in which Romance has complied with the injunction.

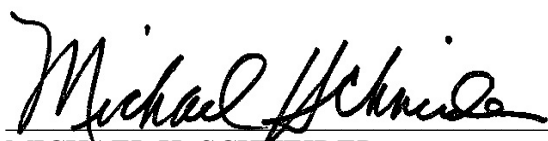
4. Romance shall account for all profits realized by it as a consequence of its unlawful acts and infringements alleged herein.

5. Romance shall pay to Victoria's Secret its reasonable attorneys' fees and costs of this civil action.

6. The Court shall retain jurisdiction of this action for purposes of enforcing this Order. Any violation of this Order shall be punishable by contempt.

IT IS SO ORDERED.

SIGNED this 9th day of September, 2010.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE